

# The UNHCR in 2021: Refugee Resettlement as a Challenge of Underfunding, Power Imbalance and Impartiality

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*In 2021 and beyond, refugee resettlement remains an indispensable protection tool for refugees facing particular vulnerability in countries of (first) refuge. Alarming, the resettlement numbers have reached the lowest levels on record in at least two decades. The UNHCR, a crucial actor in global resettlement since its creation, encounters the challenge of persuading potential resettlement countries to increase their resettlement offers. With this comes that the UNHCR has fallen short of funding to provide humanitarian assistance at place in overburdened countries of (first) refuge, and thus strongly depends on donor states, including major resettlement countries. How does UNHCR's dependency impact its autonomy as humanitarian agency in the resettlement process?*

From the aftermath of World War II until today, the United Nations High Commission for Refugees (UNHCR) has been a major actor in global refugee resettlement, together with states and other stakeholders, such as the International Organization for Migration (IOM), as well as diverse Non-Governmental Organizations (NGOs). Resettlement constitutes one of three durable solutions and has served to protect refugees in various contexts – be it the disintegration of former Yugoslavia, the Vietnam War, or the recent Syrian refugee crisis. Since the UNHCR was created in 1950, global resettlement efforts have experienced multiple ebbs and flows. Resettlement numbers generally depend on the political goodwill of prospective resettlement countries, and the success of the UNHCR as intermediary between host countries, countries of first refuge and resettlement countries.

To name a recent achievement, from 2005 to 2019, the number of countries offering resettlement places increased considerably, [from 16 to 29](#). Notwithstanding, by 2021, the problem of the 'resettlement gap', i.e., the gap between the number of persons that the UNHCR recommends for resettlement and the actual resettlements taking place, has remained unsolved. The 2021 UNHCR statistics (status May 2021) showed [only 8,334 actual departures out of 15,480](#) UNHCR submissions. Such gap has continuously appeared in the statistics of the last four years – and even before.

As an additional ongoing issue, the capacity of the UNHCR to provide local humanitarian assistance in overburdened countries of (first) refuge has suffered from funding shortfalls. In 2020, the two [most underfunded situations](#) were those in Iraq and the South Sudan, with only 33% funded. Also, Syria counted among the ten most underfunded situations (38% funding).

In a nutshell, the UNHCR is confronted with the pressure to persuade potential resettlement countries to increase their resettlement offers. Add to that, its current and future capacity to provide humanitarian assistance in overburdened countries of (first) refuge strongly depends on the funding of donor states, including major resettlement countries. How does this structure of dependency impact the autonomy of the UNHCR as humanitarian agency, and in particular its autonomy as actor in the resettlement process?

Following this question, my contribution addresses three main issues: Underfunding, power imbalance, and the struggle to maintain impartiality for the sake of humanitarian purpose. I first define refugee resettlement; second, I analyze the scope of UNHCR's mandate to act in the field of refugee resettlement, with considerations on funding. I conclude by critically examining UNHCR's development and challenges ahead.

## **A Durable Solution for Refugees**

In its most recent [Resettlement Handbook](#), the UNHCR defined resettlement as follows:

“Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against *refoulement* and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.”

The UNHCR recognizes refugee resettlement as [one of three ‘durable solutions’](#): (i) voluntary repatriation to the home country, (ii) local integration within a country of (first) refuge, or (iii) resettlement to a third country. Refugee resettlement's underlying goal is self-reliance and integration of refugees in the receiving community, and ultimately citizenship, including access to the respective rights.

Among the durable solutions, “[resettlement remains an important protection tool](#)”. It addresses the special needs of extremely vulnerable refugees being exposed to a risk of serious human rights violations in the country of (first) refuge or/and their home country. The most vulnerable of those refugees who cannot return to their home country, and who have no legal avenue to integrate in the country of (first) refuge, constitute the target group for resettlement to a third country.

The UNHCR's main role is to [pre-select](#) individuals in need for resettlement based on objective needs and submit referrals to prospective resettlement countries. In doing so, the UNHCR considers refugee status, the general prospects of other durable solutions, and the vulnerability (which is given in case of a match with one of [seven submission categories](#)).

The final decision remains with the authorities of resettlement countries. They regularly apply additional selection criteria, measuring a prospective individual's potential to integrate (for example [Denmark incorporated the 'integration potential' in its legislation](#); also the European Commission refers to "characteristics that can facilitate integration" in Art 10 [Proposal for a Union Resettlement Framework Regulation](#)). Whether the UNHCR is successful with its referrals hinges on close cooperation with resettlement countries, including the joint development of their specific national resettlement programs. On the other hand, the UNHCR depends on the countries of first refuge, who may serve as sources to identify refugees in need for resettlement (for example [Turkey](#)).

## **UNHCR's Mandate and Funding**

Resettlement constitutes an essential part of UNHCR's mandate. This derives, amongst others, from the competence of the UNHCR to assist in assimilation within new communities (Art 8 lit c [UNHCR Statute](#)). What is more, UNHCR's authority to directly conclude treaties with states (Art 8 lit b UNHCR Statute) constitutes a remarkable tool to foster its cooperation with states as well as among states, particularly in the resettlement context. For example, the UNHCR played a crucial role in achieving agreements between members of the Association of Southeast Asian Nations (ASEAN) and resettlement countries to stimulate the [resettlement of Vietnamese refugees](#).

Art 8 UNHCR Statute legally anchors the cooperation requirement between states and the UNHCR, and [UNHCR's practice has broadly met the acquiescence of states](#). At the same time, UNHCR's actual scope of action has strongly depended on the commitment and political will of states. That is also evident from the wording of Art 8 UNHCR Statute, which limits its functions to [tasks of promotion, assistance, and facilitation](#). In other words, the success or failure of the UNHCR hinges on states' endeavors.

The relationship of dependence seems particularly difficult to reconcile with the [non-partisan nature of the UNHCR](#). According to Art 2 UNHCR Statute, its work shall be of an "entirely non-political character". This must be seen in the context of the geopolitical tensions between the US and the Soviet Union during the Cold War. While [the US dominated debates on UNHCR's foundation](#), the Soviet Union refused it. The "[UNHCR proved valuable to the West as an agency able to handle flows out of Eastern Europe for resettlement in the 'Free World'](#)". So, the UNHCR was born with little operational authority, as it should not impede foreign policy strategies of the (Western) resettlement countries. Indeed, the US contributed with remarkable resettlement efforts [during the Cold War](#) period, mainly driven by foreign policy interests.

Furthermore, Art 2 UNHCR Statute stipulates that UNHCR's work "shall be humanitarian and social". In this light, the expression "entirely non-political character" must be interpreted as strictly pursuing humanitarian motives rather than serving political goals of resettlement countries. Controversial issues that require interpretation arise here especially in connection with selection criteria. As mentioned, some resettlement countries select resettlement beneficiaries based on

their integration potential, with criteria ranging from [language skills to the educational or even religious background](#). Under its Statutory Framework, to what extent must the UNHCR support or oppose resettlement countries pursuing this approach? On the one hand, the UNHCR is so dependent on the support of these states, but on the other, the application of integration criteria likely undermines humanitarian needs.

Not only with regards to resettlement contributions, but also funding, the UNHCR must rely on resettlement countries. As opposed to other UN organizations, [the UNHCR financially depends fully on voluntary contributions of donor states](#) – e.g., the [World Health Organization](#) receives assessed contributions (membership dues) besides voluntary contributions. In 2019 and 2020, major resettlement countries also counted among the [major three donors, namely the US, the EU, and Germany](#). In terms of the relationship and interdependence between the UNHCR and resettlement countries in the resettlement process, this financial [dependency entails a power imbalance](#). Power imbalance, in turn, likely impacts UNHCR's ability to complement and correct national resettlement programs – e.g., if specific national selection criteria of a major donor state contravene urgent humanitarian needs.

### **UNHCR's development and challenges ahead**

Overall, since its establishment, the UNHCR has undergone a process of [emancipation](#) from state power. Voices in the literature highlight the significance and achievements of the [UNHCR as 'agenda setter'](#) and 'counterweight', [defending the larger interests instead of the interests of individual states](#).

Criticism remains that the UNHCR has expanded and developed in a sense that it "has compromised its capacity and willingness to provide protection and has put the agency at the mercy of a much broader set of political and strategic calculations" ([Loescher](#)). Such development is problematic in the light of UNHCR's "entirely non-political character". Even if the UNHCR must cooperate with states, thus being confronted with political interests, Art 2 UNHCR Statute demands that its work must follow humanitarian and social targets.

As regards the near future, according to the latest UNHCR report on Projected Resettlement Needs (23 June 2021), [1.47 million refugees will be in need of resettlement in 2022](#). Tackling this challenge necessitates strong appeals from the side of the UNHCR to potential resettlement countries to increase financial contributions, as well as to make more resettlement places available.

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